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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,134	05/08/2001	Izumi Harada	070639/0135	1256
22428	7590	05/12/2005		
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER ELISCA, PIERRE E	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/850,134

**Applicant(s)**

HARADA, IZUMI

**Examiner**

Pierre E. Elisca

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is in response to Applicant's RCE, filed on 04/29/2005.
2. Claims 1-45 are pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-45 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kawan (U.S. Pat. No. 6,442,532) and Moskowitz et al. (U.S. Pat. No. 5,822,432) in view of Kara (U.S. Pat. No. 6,735,575).

As per claims 1, 2, 7-20, and 23-45, Kawan substantially discloses a wireless financial information, and settlement, comprising:  
preparing deal information in said deal of said goods or said service in which a seller sells and said purchaser purchases (see., abstract, col 3, lines 10-67);  
reading in said deal information by said mobile terminal (see., abstract, col 2, lines 11-23);

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a settlement computer by said mobile terminal (see., abstract, col 3, lines 25-29, col 5, lines 24-33). It is obvious to realize that most cellular phone have an e-mail address see., fig 2C. **It is to be noted that Kawan fails to explicitly disclose the process of authenticating the seller and the purchaser based on the purchaser identification and the seller identification.** However, Moskowitz discloses a seller identification and a purchaser identification (see., abstract, col 9, lines 5-15, col 13, lines 15-20). Moskowitz further discloses a digital watermark or fingerprint see., abstract, col 3, lines 15-40). **Storing purchaser identification information for identifying a purchaser by a mobile terminal". It is believed that Moskowitz discloses this limitation in col 9, lines 5-15, col 13, lines 15-20. Please note that the watermark of Moskowitz also includes or stores seller identification and purchaser identification.** Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wireless transaction of Kawan by including the limitations detailed above as taught by Moskowitz because this would provide a secure wireless or mobile terminal financial transactions.

Kawan and Moskowitz fail to explicitly disclose Applicant's newly added limitation wherein said deal information and said seller identification are indicated by a one-dimensional or two dimensional bar code. Kara discloses a seller that uses a unique identification number to establish an encryption code for printing on the form a machine readable security indicia. A scanner 34 for scanning bar code or indicia (see., Kara, figs 1 and 2, col 2, lines 7-21, col 3, lines 34-67. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of

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Kawan and Moskowitz by including the limitations detailed above as taught by Kara because this would determine whether the bar code that has been received from the user is a valid code.

As per claim 3, Kawan discloses the claimed method of wherein at said step of displaying said deal information by said mobile terminal (see., fig 2C, col 4, lines 7-17). It is to be noted that Kawan fails to disclose the seller identification. However, Moskowitz discloses a seller identification and a purchaser identification (see., abstract, col 9, lines 5-15, col 13, lines 15-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wireless transaction of Kawan by including the limitations detailed above as taught by Moskowitz because this would provide a secure wireless or mobile terminal financial transactions.

As per claims 4, 5, 6, 21, and 22 Kawan discloses a wireless financial information, and settlement, comprising:

preparing deal information in said deal of said goods or said service in which a seller sells and said purchaser purchases (see., abstract, col 3, lines 10-67);

reading in said deal information by said mobile terminal (see., abstract, col 2, lines 11-23);

a settlement computer by said mobile terminal (see., abstract, col 3, lines 25-29, col 5, lines 24-33);

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displaying said deal information (see., fig 2 C, col 4, lines 7-17). It is to be noted that Kawan fails to explicitly disclose the process of authenticating the seller and the purchaser based on the purchaser identification and the seller identification. However, Moskowitz discloses a seller identification and a purchaser identification (see., abstract, col 9, lines 5-15, col 13, lines 15-20). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wireless transaction of Kawan by including the limitations detailed above as taught by Moskowitz because this would provide a secure wireless or mobile terminal financial transactions.

## RESPONSE TO ARGUMENTS

6. Applicant's arguments filed on 04/29/2005 have been fully considered but they are moot in view of new ground (s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

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PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

Primary Patent Examiner

May 05, 2005